FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1740 OF 2005

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

Mr. Umesh i/b M.R. Patil for petitioner

Mr. Y.S. Shinde, APP

Mr. S. B. Pawar for R-7.

CORAM: SMT. RANJANA DESAI &
ANOOP V. MOHTA, **JJ.**
DATED: 26/10/2005

P.C.:-

Heard learned counsel for the petitioner, learned APP and the learned counsel for respondent 7.

2. We are informed that C. C. No. 310/M/2005 in respect of the subject matter of this writ petition is pending in the Court of Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai. Since the proceedings under Section 145 of the Code are pending between the petitioners and the respondent's, we

do not think it proper to deal with the contentions raised by the petitioners in this petition in our writ jurisdiction.

4. In the circumstances of the case it is necessary to direct the learned magistrate seized of C.C. No. 2104/PW/05 to dispose it of in a time frame.

5. There are certain allegations made by the petitioner against the police. The learned counsel for the petitioner contended that all the household articles of the petitioners are lying at the Malad Police Station.

6. The learned APP on instructions from the officer denies this. It would be open for the petitioners to file an appropriate application before the learned magistrate making all these grievances and the learned magistrate shall after hearing the parties pass appropriate orders thereon. Hence the following order:

a) C. C. No. 2104/PW/05 filed on 28/6/05 pending in the court of 24th Addl. Chief Metropolitan Magistrate, Borivali, Mumbai is expedited.

b) The learned magistrate is directed to hear and dispose of the said case within a period of six months from the date of receipt of this order by him.

c) If the petitioners are so advised they he shall make appropriate application before thelearned Magistrate as regards their grievance that the police have wrongly seized all their household articles lying in the flat. In the circumstances, if such an application is made the learned magistrate shall pass appropriate orders thereon after hearing the parties.

d) We make it clear that we have not expressed any opinion of the merits of the case.

e) Petition is disposed of in the aforestated terms.